05/11/07

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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6596 of 2007

PETITIONERS

1. Smt. Nishat Ahamed, Aged 45 years W/o Shri Iqbal Ahamed, Upper Division Teacher, Chandra Shekher Azad Higher Secondary School, Durg Tahsil and District Durg (C.G.)
2. Smt. Savita Gupta, Aged 47 years W/o Shri Rajkumar Gupta, Upper Division Teacher, Chandra Shekher Azad Higher Secondary School, Durg Tahsil and District Durg (C.G.)
3. Smt. Surekha Swarnkar, Aged 47 years W/o Shri S. Swarnkar, Upper Division Teacher, Mahatma Gandhi Higher Secondary, School, Durg Tahsil and District Durg (C.G.)
4. Smt. Kavita Shrivastava, Aged 45 years W/o Shri Ram Krishna Shrivastava, Upper Division Teacher, Mahatma Gandhi Higher Secondary School, Durg Tahsil and District Durg (C.G.)

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, Through the Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. Municipal Corporation, Durg (C.G.) Through:- Commissioner Municipal Corporation Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

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ORAL ORDER
(31.10.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.Ed. Examination Certificate on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti